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EXAMINER

NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
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2153

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/659,936

Applicant(s)

LASENSKY ET AL.

Examiner

Thu Ha T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-130 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-130 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims **1-130** are presented for examination.

Response to Arguments

2. Applicant's arguments filed August 30, 2007 have been fully considered but they are not persuasive because of the following reasons:

3. Applicant argues that Wu does not teach or suggest the feature of a client device transmitting the data message to a mobile device...the mobile device receiving the transmitted data message...the mobile device causing a voice reply to the received data message to be generated by speaking into the mobile device using a transmit action. In response to applicant's argument, the examiner submits that Wu does teach the feature of a client device transmitting the data message to a mobile device as shown in col. 1, line 59-col. 2, line 12, col. 4, lines 35-65, col. 5, lines 30-67, l. 6, lines 43-61; the mobile device receiving the transmitted data message as shown in col. 5, lines 30-67; and the mobile device causing a voice reply to the received data message to be generated by speaking into the mobile device using a transmit action as shown in col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61.

4. Applicant argues that Wu does not teach data messages (e.g., e-mail) are sent **directly** to and received by the mobile device. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "data messages (e.g., e-mail) are sent **directly** to and received by the mobile device ") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. Applicant argues that Wu teaches that the voice reply is generated only after a number of different action steps (i.e., MULTIPLE transit action steps) an **NOT** a **simple** transmit action where the user causes a voice reply to be generated by a **SINGULAR** transmit action step. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a **simple** transmit action where the user causes a voice reply to be generated by a **SINGULAR** transmit action step ") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. Applicant argues that Wu does not teach or suggest the data message comprises an identifier, using the identifier to look up an e-mail address associated with the sender of the data message. In response to applicant's argument, the examiner asserts that Wu does teach the feature of the data message comprises an identifier, using the identifier to look up an e-mail address associated with the sender of the data message as shown in col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61.

7. Applicant argues that Wu does not teach a MOBILE DEVICE using an identifier obtained from the sender data message to determine the reply path. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a

MOBILE DEVICE using an identifier obtained from the sender data message to determine the reply path ") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993

8. Applicant argues that Wu fails to teach a receiver configured to receive data message. In response to applicant's argument, the examiner submits that Wu does teach the feature of receiver configured to receive data message as shown in col. 1, line 59-col. 2, line 12, col. 4, lines 35-65, col. 5, lines 30-67, col. 6, lines 43-61.

9. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1, 22, 37, 72, 85 and 99. Claims 2-21, 23-36, 38-71, 73-84, 86-98 and 100-130 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in this office action.

10. Applicants still have failed to identify specific claim limitations that would define a patentable distinction over cited prior arts. Accordingly, rejections for claims 1-130 are respectfully rejected below.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by

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another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

OR

e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

12. Claims 1-12, 16-30, 32-46, 49-63, 65-72, 74-79, 81-87, 89-127 and 129 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Wu et al.** (hereinafter **Wu**) U.S. Patent No. **6,813,489**.

13. As to claim 1, **Wu** teaches the invention as claimed, including a method of communicating, comprising:

a client device generating a data message comprising textual content using (col. 1, line 59-col. 2, line 12, col. 4, lines 35-65, col. 5, lines 30-67);

the client device transmitting the data message to a mobile device (col. 6, lines 43-61);

the mobile device receiving the transmitted data message and displaying the textual content (col. 5, lines 30-67);

the mobile device causing a voice reply to the received data message to be generated by speaking into the mobile device using a transmit action (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

14. As to claim 2, **Wu** teaches the invention as claimed in claim 1 further comprising the mobile device transmitting a spoken reply in response to the transmit action (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

15. As to claim 3, **Wu** teaches the invention as claimed in claim 2, further comprising a message authority receiving the transmitted spoken reply, and storing the received spoken reply as a voice-message (col. 4, line 36-col. 5, line 7, col. 9, lines 40-65).

16. As to claim 4, **Wu** teaches the invention as claimed, including the method of claim 3, further comprising the message authority generating a data message indicating that a voice message is pending sending the data message to the client device (col. 5, line 9-29).

17. As to claim 5, **Wu** teaches the invention as claimed, including the method of claim 4, further comprising the message authority attaching the stored voice message or a copy of the stored voice message to the data message sent to each client device (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

18. As to claim 6, **Wu** teaches the invention as claimed, including the method of claim 4, further comprising the client device receiving the data message and retrieving the voice message or a copy of the stored voice message (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

19. As to claim 7, **Wu** teaches the invention as claimed, including the method of claim 6, wherein receiving the data message comprises the client device using an email client to receive the data message (col. 4, line 35-65).

20. As to claim 8, **Wu** teaches the invention as claimed, including the method of claim 6, wherein retrieving the voice message comprises the client device receiving the data message and retrieving an attached voice message (col. 4, line 35-65).

21. As to claim 9, **Wu** teaches the invention as claimed, including the method of claim 6, wherein retrieving the voice message comprises the client device accessing the message authority to retrieve a copy of the voice message (col. 4, line 35-65).

22. As to claim 10, **Wu** teaches the invention as claimed, including the method of claim 1, wherein generating and transmitting the data message comprising using an email client to generate and transmit the data message (col. 5, line 9-29).

23. As to claim 11, **Wu** teaches the invention as claimed, including the method of claim 10, wherein the data message is an email message (col. 4, line 35-65).

24. As to claim 12, **Wu** teaches the invention as claimed, including the method of claim 1, wherein generating and transmitting the data message comprising using a web browser interfacing with a web-based application to generate and transmit the data message (col. 1, line 25-48, col. 3, line 17-39).

25. As to claim 16, **Wu** teaches the invention as claimed, including the method of claim 1, wherein the data message comprises an identifier, and wherein the method further comprises using the identifier to look up an email address (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61).

26. As to claim 17, **Wu** teaches the invention as claimed, including the method of claim 16, wherein generating the voice reply comprises, the mobile device converting the spoken reply to a digital format, automatically generating an email message, attaching the digitally formatted voice reply to the email message, and transmitting the

email message and attachment to the email address (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61, col. 11, line 19-22).

27. As to claim 18, **Wu** teaches the invention as claimed, including the method of claim 1, wherein generating the voice reply comprises initiating a native voice call from the mobile device to an intermediate address associated with a message authority, and transmitting the spoken reply to the message authority via the native voice call (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

28. As to claim 19, **Wu** teaches the invention as claimed, including the method of claim 18, wherein the transmitted spoken reply is associated with an identifier that identifies the mobile device, and wherein the method further comprises, the message authority, determining a destination address for the voice reply by reference to the combination of the mobile device identifier and the intermediate address (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

29. As to claim 20, **Wu** teaches the invention as claimed, including the method of claim 19, further comprising the message authority converting the received spoken reply to a voice message and relaying the voice message to the determined destination address (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61).

30. As to claim 21, **Wu** teaches the invention as claimed, including the method of claim 19, further comprising associating both the mobile device identifier and the intermediate address with a communication pathway associated with the destination address (col. 4, line 26-65).

31. As to claim 22, **Wu** teaches the invention as claimed, including a communication device, comprising:

a receiver configured to receive a data message, the data message comprising an identifier that can be used to determine a reply path associated with the received data message (col. 1, line 59-col. 2, line 12, col. 4, lines 35-65, col. 5, lines 30-67, col. 6, lines 43-61);

a processor configured to parse the data message, extract the identifier, and determine the reply path from the identifier (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61);

a transmit action mechanism, the communication device configured to receive a spoken reply to the data message in response to the initiation of a transmit action using the transmit action mechanism (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

32. As to claim 24, **Wu** teaches the invention as claimed, including the communication device of claim 23, wherein the message generator comprises a microphone and associated audio hardware configured to receive the spoken response

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from a user and convert the spoken response into a voice message for transmission using the transmitter (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61, col. 11, line 19-22).

33. As to claim 25, **Wu** teaches the invention as claimed, including the communication device of claim 23, wherein the transmitter is a wireless transmitter configured to transmit a wireless message (figure 1, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

34. As to claim 26, **Wu** teaches the invention as claimed, including the communication device of claim 22, further comprising a display, wherein the data message further comprises textual content, and wherein the display is configured to display the textual content (col. 5, lines 30-67).

35. As to claim 27, **Wu** teaches the invention as claimed, including the communication device of claim 22, wherein the receiver is a wireless receiver configured to receive a wireless data message (figure 1, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

36. As to claim 28, **Wu** teaches the invention as claimed, including the communication device of claim 27, wherein the wireless data message comprises a two-way text message (figure 1, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

37. As to claim 32, **Wu** teaches the invention as claimed, including the communication device of claim 22, wherein the processor is further configured to parse the received data message and extract the identifier from the parsed data message (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61).

38. As to claim 33, **Wu** teaches the invention as claimed, including the communication device of claim 22, further comprising a memory coupled with the processor, and wherein determining the reply path associated with the data message comprises accessing the memory and looking up the reply path using the identifier (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61).

39. As to claim 34, **Wu** teaches the invention as claimed, including the communication device of claim 22, wherein the reply path determined from the identifier is an intermediate reply path associated with a message authority, and wherein determining a final reply path associated with the received data message comprises transmitting the spoken reply via the intermediate reply path to the message authority (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61).

40. As to claim 35, **Wu** teaches the invention as claimed, including the communication device of claim 34, wherein the processor is further configured to

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associate an identifier that can be used to identify a user of the communication device with the transmitted spoken reply (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61).

41. As to claim 36, **Wu** teaches the invention as claimed, including the communication device of claim 35, wherein the message authority is further configured to use the associated identifier and the intermediate reply path to determine a final reply path (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61).

42. As to claim 37, **Wu** teaches the invention as claimed, including a communication system comprising:

a client device configured to generate and transmit a data message (col. 1, line 59-col. 2, line 12, col. 4, lines 35-65, col. 5, lines 30-67);

a message authority configured to receive the data message and forward the data message, the forwarded data message comprising an identifier that can be used to determine the reply path to the communication device (figure 1, col. 6, lines 43-61); and a communication device, comprising:

a receiver configured to receive the forwarded data message, a processor configured to parse the received data message, extract the identifier from the parsed data message, and determine the reply path from the extracted identifier, a transmit action mechanism, the communication device configured to receive a spoken reply to the data message in response to the initiation of a transmit action using the transmit

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action mechanism (col. 2, line 13-25, col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, line 41-61).

43. As to claim 43, **Wu** teaches the invention as claimed, including the communication system of claim 42, wherein the response comprises audible indicators (col. 8, line 45-col. 9, line 16).

44. As to claim 44, **Wu** teaches the invention as claimed, including the communication system of claim 43, wherein the audible indicators comprise one or more audible beeps (col. 10, line 61).

45. As to claim 45, **Wu** teaches the invention as claimed, including the communication system of claim 41, wherein the collector comprises a plurality of receiving devices, wherein each of the plurality of receiving devices is associated with an address (col. 3, line 47-col. 4, line 8).

46. As to claim 46, **Wu** teaches the invention as claimed, including the communication system of claim 45, wherein the received spoken reply comprises an identifier that can be used to identify an address associated with one of the plurality of receiving devices, and wherein the identified receiving device is used to receive the spoken reply (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61).

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47. As to claim 49, **Wu** teaches the invention as claimed, including the communication system of claim 41, wherein the collector further comprises a processor configured to reformat the received spoken reply and forward the reformatted spoken reply (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61, col. 11, line 19-22).

48. As to claim 50, **Wu** teaches the invention as claimed, including the communication device of claim 49, wherein the message authority further comprises a data center configured to receive the reformatted spoken reply and to process and store the reformatted spoken reply as a voice message (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61, col. 11, line 19-22).

49. As to claim 51, **Wu** teaches the invention as claimed, including the communication system of claim 50, wherein the data center comprises a database configured to store information related to a user of the communication device and a file storage configured to store messages, and wherein storing the reformatted spoken reply as a voice message comprises associating the voice message with the information associated with the user and storing the voice message in the file storage (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61, col. 11, line 19-22).

50. As to claim 52, **Wu** teaches the invention as claimed, including the communication system of claim 51, wherein the spoken reply comprises an identifier

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that identifies the communication device, and wherein processing the reformatted spoken reply comprises determining an identity of the user of the communication device using the identifier and information stored in the database (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61, col. 11, line 19-22).

51. As to claim 53, **Wu** teaches the invention as claimed, including the communication system of claim 52, wherein the spoken reply further comprises a receive address associated with the collector, and wherein processing the reformatted spoken reply further comprises determining an address associated with the client device using the communication device identifier, the receive address, and information stored in the database (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61, col. 11, line 19-22).

52. As to claim 54, **Wu** teaches the invention as claimed, including the communication system of claim 50, wherein the message authority further comprises a message server configured to forward the stored voice message to the client device (figure 1).

53. As to claim 55, **Wu** teaches the invention as claimed, including the communication system of claim 54, wherein forwarding the voice message to the client device comprises sending a notification to the client device of a pending message and

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receiving a request from the client device for a copy of the voice message (col. 5, line 9-29).

54. As to claim 57, **Wu** teaches the invention as claimed, including the communication system of claim 56, wherein the web page enables a user of the client device to access and play the voice message (col. 1, line 25-48, col. 3, line 17-39).

55. As to claim 70, **Wu** teaches the invention as claimed, including the communication system of claim 69, wherein the message authority is configured to receive the spoken reply and associated identifier and to use compound indexing based on the identifier and the intermediate reply path to look up the final reply path in a table or plurality of tables (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61).

56. As to claim 71, **Wu** teaches the invention as claimed, including the communication system of claim 37, wherein the data message further comprises textual information, and wherein the second communication device further comprises a display configured to display the textual information (col. 5, lines 30-67).

57. As to claim 72, **Wu** teaches the invention as claimed, including a method for communicating comprising:

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receiving a data message comprising an identifier that can be used to determine a reply path (figure 1, col. 1, line 59-col. 2, line 12, col. 4, lines 35-65, col. 5, lines 30-67, col. 6, lines 43-61); and

in response to a transmit action, causing a voice reply to the data message to be created (col. 2, line 13-25, col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, line 41-61).

58. As to claim 85, **Wu** teaches the invention as claimed, including a communication device, comprising:

a receiver configured to receive a data message comprising an identifier that can be used to determine a reply path (figure 1, col. 1, line 59-col. 2, line 12, col. 4, lines 35-65, col. 5, lines 30-67, col. 6, lines 43-61); and

a transmit action input, the communication device configured to cause a voice reply to the data message to be created in response to a transmit action initiated using the transmit action input (col. 2, line 13-25, col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, line 41-61).

59. As to claim 99, **Wu** teaches the invention as claimed, including a communication system comprising:

a client device configured to generate and transmit a data message (col. 1, line 59-col. 2, line 12, col. 4, lines 35-65, col. 5, lines 30-67);

a message authority configured to receive the data message and forward the data message, the forwarded data message comprising an identifier that identifies a

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reply path associated with the communication device (figure 1, col. 1, line 59-col. 2, line 12, col. 4, lines 35-65, col. 5, lines 30-67, col. 6, lines 43-61); and

a communication device, comprising: a receiver configured to receive a data message comprising an identifier that can be used to determine a reply path (col. 4, lines 35-65, col. 5, lines 30-67, col. 6, lines 43-61); and

a transmit action input, the second communication device configured to cause a voice reply to the data message to be created in response to a transmit action initiated using the transmit action input (col. 2, line 13-25, col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, line 41-61).

60. As to claim 116, **Wu** teaches the invention as claimed, including the communication system of claim 114, wherein the receive address is one of a plurality of receive addresses associated with the collector (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

61. As to claim 117, **Wu** teaches the invention as claimed, including the communication system of claim 111, wherein the message authority further comprises a message server configured to forward the stored voice message to the client device (figure 1).

62. As to claim 118, **Wu** teaches the invention as claimed, including the communication system of claim 117, wherein forwarding the voice message to the client

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device comprises sending a notification to the client device of a pending voice message and receiving a request from the client device for a copy of the voice message (col. 5, line 9-29).

63. As to claim 120, **Wu** teaches the invention as claimed, including the communication system of claim 117, wherein the message server further comprises a communication server interfaced with a communication network, the communication server configured to receive the data message from the client device via the communication network (figure 1).

64. As to claim 121, **Wu** teaches the invention as claimed, including the communication system of claim 120, wherein the communication server is an email server, and wherein the received data message is an email message (figure 1, abstract).

65. As to claim 122, **Wu** teaches the invention as claimed, including the communication system of claim 99, wherein the client device comprises a message generator interfaced with a communication network, the message generator configured to generated the data message and forward it to the message authority via the communication network (figure 1, col. 6, lines 43-61).

66. As to claim 123, **Wu** teaches the invention as claimed, including the communication system of claim 122, wherein the message generator included in the client device is an email client configured to generate email data messages (figure 1).

67. As to claim 124, **Wu** teaches the invention as claimed, including the communication system of claim 123, wherein the message authority is further configured to forward the voice reply to the client device, and wherein the client device comprises a client application configured to enable the client device to receive the voice reply (figure, 1, col. 6, lines 43-61).

68. Claims 23, 30, 38-42, 56, 59, 60-63, 65-69, 74-79, 81-84, 86-87, 89-98, 100-127, and 129 have similar limitations as claims 2-3, 10-12, 23-25, 27-28, 30-33, 36, 43-45, and 49-53; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

69. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

70. Claims 13, 29, 47-48, 64, 80, 88 and 128 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Wu et al.** (hereinafter Wu) U.S. Patent No. **6,813,489**, in view of **Guedalia et al.** (hereinafter Guedalia) U.S. Patent No. **6,907,112**.

71. As to claim 13, **Wu** teaches the invention as claimed, including the method of claim 1. However, **Wu** does not explicitly teach wherein the data message is an SMS message. **Guedalia** teaches the data message is an SMS message (col. 28, lines 40-60). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Wu and Guedalia** to include the feature of the data message is an SMS message because it would have provided an efficient system that provides data to the wireless data terminal.

72. As to claim 47, **Wu** teaches the invention as claimed, including the communication system of claim 41. However, **Wu** does not explicitly teach wherein the collector is configured to interface with an electronic gateway via an IP network. **Guedalia** teaches the collector is configured to interface with an electronic gateway via an IP network (figures 4-5, col. 28, line 40-col. 29, line 33). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Wu and Guedalia** to include the feature of the collector is configured to interface with an electronic gateway via an IP network because it would have provided an efficient system that produces a message that can be delivered to the wireless data terminal.

73. As to claim 48, **Wu** teaches the invention as claimed, including the communication system of claim 47, wherein the received spoken reply comprises an identifier that can be used to identify an address associated with the collector, and wherein the electronic gateway is configured to recognize determine that the address is associated with the collector using the identifier and to forward the spoken reply to the collector via the IP network (figures 4-5, col. 28, line 40-col. 29, line 33). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Wu and Guedalia** to include the feature of the electronic gateway is configured to recognize determine that the address is associated with the collector using the identifier and to forward the spoken reply to the collector via the IP network because it would have provided an efficient system that produces a message that can be delivered to the wireless data terminal.

74. Claims 29, 64, 80, 88 and 128 have similar limitations as claim 13; therefore, they are rejected under the same rationale.

75. Claims 14-15, 31, 73 and 130 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Wu et al.** (hereinafter **Wu**) U.S. Patent No. **6,813,489**, in view of **Everhart** U.S. Patent No. **6,928,614**.

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76. As to claim 14, **Wu** teaches the invention as claimed, including the method of claim 1. However, **Wu** does not explicitly teach wherein the transmit action comprises pressing and holding a button on the mobile device while speaking the reply. **Everhart** teaches the transmit action comprises pressing and holding a button on the mobile device while speaking the reply (col. 1, line 42-col. 2, line 16, col. 3, line 32-col. 4, line 52). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Wu and Everhart** to include the feature of pressing and holding a button on the mobile device while speaking the reply because it would have provided a convenient and easy to use mobile office interface which integrates both voice and manual user inputs to provide simplicity and flexibility when controlling mobile office functions.

77. As to claim 15, **Wu** teaches the invention as claimed, including the method of claim 1. However, **Wu** does not explicitly teach wherein the transmit action comprises pressing and releasing a button on the mobile device before speaking, and pressing and releasing a button on the mobile device when finished speaking. **Everhart** teaches the transmit action comprises pressing and releasing a button on the mobile device before speaking, and pressing and releasing a button on the mobile device when finished speaking (col. 1, line 42-col. 2, line 16, col. 3, line 32-col. 4, line 52). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Wu and Everhart** to include the feature of pressing and releasing a button on the mobile device before speaking, and

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pressing and releasing a button on the mobile device when finished speaking because it would have provided a convenient and easy to use mobile office interface which integrates both voice and manual user inputs to provide simplicity and flexibility when controlling mobile office functions.

78. Claims 31, 73 and 130 have similar limitations as claims 14-15; therefore, they are rejected under the same rationale.

Conclusion

79. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

80. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached at (571) 272-3949.

The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


THU HA NGUYEN
PRIMARY EXAMINER

November 20, 2007